

COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT ACT

OCTOBER 12, 1998.—Committed to the Committee on the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 4223]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4223) to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4223 is to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California.

BACKGROUND AND NEED FOR LEGISLATION

The Colusa Basin drainage area consists of 1,036,000 acres (1,620 square miles) in northern California within Glenn, Colusa and Northern Yolo Counties. Within this area, the Colusa Basin Drainage District embodies more than 600,000 acres of the Sacramento Valley, spanning from Knights Landing in the south northward to the City of Orland, with the Sacramento River and the foothills forming the east and west boundaries. Most of the

land within the District is devoted to agricultural production including irrigated crops, orchards, vineyards and grazing lands. Total irrigated land is approximately 466,000 acres.

The Basin contains 13 significant watersheds that drain winter storm runoff into the region's main drainage facility, the Colusa Basin Drain. The Drain is a man-made facility that collects and conveys irrigation return flows and storm runoff to the Knights Landing outfall gates, where drain waters discharge into the Sacramento River, or if the River is at a higher elevation, the waters flow into the Yolo Bypass through the Knights Landing Ridge Cut.

The Colusa area has suffered repeated damage from winter flooding. The three-county area sustained more than \$100 million in damages from the floods of January and March 1995. The Colusa Basin Drainage District was originally created in to minimize problems of this kind. The District continues to address issues associated with water management, flood control, drainage and subsidence occurring within the multi-county Colusa Basin.

H.R. 4223 sets up a process that will help reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater; assist in groundwater recharge efforts to decrease overdraft and land subsidence; reduce the risk of harm to wetland and riparian habitat; and to capture, as an incidental purpose, surface or storm water for conservation, conjunctive use, and increased water supplies.

Projects for which assistance may be provided under this legislation will be designed to be consistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706 et seq.) and the CALFED Bay-Delta Program. One of the prime objectives of local project proponents in seeking introduction of this legislation was to specifically identify a Congressional priority for funding from within existing federal programs. It is the Committee's objective in advancing this bill to prioritize the expenditure of funds within existing programs rather than create new budget authority.

The Committee notes that the non-federal cost-share required by H.R. 4223 is limited to 25 percent. More typical cost-sharing amounts for water projects funded under the Bureau of Reclamation are much higher. It is often considered appropriate to require full repayment of federal expenditures if water supply and groundwater recharge projects are constructed. In contrast, under the CALFED program, many of the projects have a local cost-share of 0-50 percent. Since a principle priority for this legislation is to provide a priority for funding this project from within CALFED, Central Valley Project Improvement Act Restoration funds or other existing Department of Interior programs, the Committee acknowledges that the cost-share may be different than traditional Bureau of Reclamation projects. However, it is not the intent of the Committee to establish this cost-share as a standard for Reclamation-related projects.

The Committee also notes that the legislation provides only for federal financial assistance; no technical assistance from the Bureau of Reclamation is mentioned in the bill. If H.R. 4223 is enacted, the Committee encourages the Bureau of Reclamation to exe-

cute cost-reimbursable agreements with the District and to work within existing authorities to provide technical assistance and to ensure that project activities are developed in coordination with operations of the Central Valley Project, implementation of the Central Valley Project Improvement Act, or activities undertaken by the CALFED programs.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be cited as the “Colusa Basin Watershed Integrated Resources Management Act.”

Section 2. Authorization of assistance

The Secretary of the Interior may provide financial assistance to the Colusa Basin Drainage District California, for use by the District or by local agencies for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin watershed.

Section 3. Project selection

Eligible projects are identified in the document entitled “Colusa Basin Water Management Program”, dated February 1995, and must be in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

Section 4. Cost sharing

District and cooperating non-federal agencies or organizations shall pay 25 percent of the costs associated with construction of any project carried out with assistance provided under H.R. 4223, and 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project. Other funds appropriated pursuant to H.R. 4223 may be made available to fund all costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the state statute, in accordance with agreements with the Secretary.

For purposes of this section, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

Section 5. Costs nonreimbursable

Amounts expended pursuant to H.R. 4223 shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.).

Section 6. Agreements

Funds appropriated pursuant to H.R. 4223 may be made available to the District or a local agency only if the District or local agency has entered into a binding agreement with the Secretary under which the District or the local agency is required to pay the non-federal share of the costs of construction required by section

4(a) and governing the funding of planning, design, and compliance activities costs under section 4(b).

Section 7. Reimbursement

For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to section 2 before the date amounts are provided for the project H.R. 4223, the Secretary shall, subject to amounts being made available in advance in appropriations acts, reimburse the District or the local agency, without interest, an amount equal to the estimated federal share of the cost of such work under section 4.

Section 8. Cooperative agreements

The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of H.R. 4223. Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations acts, for work carried out under such contracts or subcontracts.

Section 9. Relationship to Reclamation Reform Act of 1982

Activities carried out, and financial assistance provided, under H.R. 4223 shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

Section 10. Appropriations authorized

There are authorized to be appropriated to the Secretary to carry out H.R. 4223 \$25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes. Sums appropriated under this section shall remain available until expended.

COMMITTEE ACTION

H.R. 4223 was introduced on July 15, 1998, by Congressman Vic Fazio (D-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On September 16, 1998, the Full Resources Committee met to consider H.R. 4223. At that time, the Subcommittee on Water and Power was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 4223.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 4223. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 4223 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 4223.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4223 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC September 25, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4223, the Colusa Basin Watershed Integrated Resources Management Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Gary Brown (for federal costs), and Marjorie Miller (for the State and local impact).

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

H.R. 4223—Colusa Basin Watershed Integrated Resources Management Act

Summary: H.R. 4223 would authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to provide financial

assistance to the Colusa Basin Drainage District in California, for use by the district or by local agencies for planning, designing, and constructing eligible projects in the Colusa Basin Watershed. To carry out such activities the bill would authorize the appropriation of \$25 million plus additional amounts to cover increases in project costs during the time necessary to complete those projects. The projects that would be authorized to receive funding under H.R. 4223 are intended, among other purposes, to reduce the risk of damage to urban and agricultural areas from flooding, and to construct, restore, and preserve wetland and Riparian habitat.

CBO estimates that implementing H.R. 4223 would require appropriations of \$29 million over the 1999–2010 period. We estimate that outlays would total \$14 million over the 1999–2003 period, and \$15 million in subsequent years, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and Local governments might incur some costs as a result of the bill’s enactment, but these costs would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4223 is shown in the follow table: The costs of this legislation fall within budget function 300 (natural resources and environment).

[By fiscal year, in millions of dollars]

	1999	2000	2001	2002	2003
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	3	3	5	5
Estimated Outlays	1	2	3	4	5

Basis of estimate: For the purpose of this estimate, CBO assumes that the bill will be enacted near the beginning of fiscal year 1999 and that the estimated amounts necessary to implement the bill will be appropriated for each year. CBO estimated the annual funding levels based on information provided the the Bureau of Reclamation and the Colusa Basin Drainage District. Outlay estimates are based on historical rates of spending for similar activities.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 4223 contains no intergovernmental or private-sector mandates as defined in UMRA. The drainage district and any other nonfederal participants would pay 25 percent of the costs of constructing any funded projects and all of the costs of operating and maintaining such projects. Any such contributions by state or local governments would be voluntary.

Estimate prepared by: Federal Costs: Gary Brown. Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 4223 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 4223 would make no changes in existing law.

